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June 10, 2015

VIA ELECTRONIC AND U.S. MAIL

Ms. Caroline Kwan
Remedial Project Manager
Special Projects Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Re: Progress Report No. 47 – May 2015
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report (MPR) for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Newtown Creek Group (NCG) Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

1. Actions Taken to Comply with Settlement Agreement during Previous Month

- Proposed point sources dissolved/particulate sampling locations were submitted to USEPA on May 1. On May 8, USEPA approved the proposed locations and provided additional comments regarding selection of additional locations. A revised list of proposed sampling locations that reflected USEPA's May 8 comments was submitted to USEPA on May 28.
- Approval of the NCG responses to comments on the preliminary Phase 2 RI data delivery schedule was provided via e-mail by USEPA on May 8. An updated Phase 2 data delivery schedule and the first set of Phase 2 electronic data deliverables (EDDs) were provided to USEPA on May 19. The specific datasets included in these EDDs are listed in Section 2 of this MPR.
- A monthly update meeting was held with USEPA in New York City on May 14. Topics discussed during this meeting included the following: 1) Phase 2 field program update; 2) analytical data update; 3) point sources sampling update; and 4) project schedule/deliverables status.
- The *Phase 2 RI Field Program – QAPP/FSAP Deviation Memorandum No. 9* was submitted via e-mail to USEPA on May 14. This deviation memorandum discussed minor field deviations associated with the sediment traps, surface water quality measurements, point sources sampling location details, and several analytical-related deviations. USEPA provided comments via e-mail on the deviation memorandum on May 29.
- The Standard Operating Procedure (SOP) NC-34 – Seepage Measurements, which was updated to reflect a revised calibration procedure for the seepage meters that was developed by Dr. Rosenberry at the U.S. Geological Survey, was submitted via e-mail to USEPA on May 18. USEPA provided initial comments on the revised SOP on May 18, and the NCG provided responses to these comments on May 19. On May 22, USEPA provided additional comments. A revised SOP that reflects USEPA's comments was submitted to USEPA on May 27.
- Responses to comments on the draft *Preliminary Modeling Results Memorandum* were submitted via e-mail to USEPA on May 20. On June 1, USEPA approved these responses and indicated that additional comments on the geochronology evaluation will be provided at a later time.

- The NCG participated in the Newtown Creek project meeting with USEPA's Contaminated Sediments Technical Advisory Group meeting and boat tour on May 19 and May 20, respectively.
- Subsurface sediment core field forms were submitted to USEPA on May 29.
- The Phase 2 field investigation continued in May. Specifically, the following activities were performed:
 - Acoustic Doppler current profilers (ADCPs) and sondes retrieval (week of May 4)
 - Groundwater seepage meters were installed at EK026, EK042, EK093, EB046, EB047, NC218, and NC286 (week of May 18)
 - Groundwater seepage meters were retrieved from EK042, EK093, EB046, and EB047 (week of May 18) and EK026, NC218, and NC286 (week of May 25)
 - Point sources sampling
 - Samples were collected at the two ExxonMobil dry-weather grab sampling stations (EM001A and EM002; May 6 and 7).
 - A 24-hour dry-weather composite sample was collected from the Newtown Creek Water Pollution Control Plant influent (May 13 and May 14).
 - A dry-weather sample was collected from Con Edison – 11th Street Conduit (May 28).
 - Point sources sampling reconnaissance was conducted at the Greenpoint Energy Center facility (May 12)
- *Modeling Approach Memorandum (2)* revisions continued in May.
- Phase 2 field program planning and implementation continued in May.

2. Results of Sampling and Tests and Other Data Received by NCG Respondents during Previous Month

- Quality control (QC) review of field data from point sources dry-weather sampling (Events 2 and 3), point sources wet-weather sampling (Event 5), and surface water sampling during point sources discharges (Event 3) was completed. The field data for this event are included on the enclosed compact disc (CD) as part of this monthly progress report (MPR).

- Validation and QC review of the summer benthic community data was completed and is included on the enclosed CD as part of this MPR.
- The first set of Phase 2 EDDs was provided to USEPA on May 19. These EDDs included the following datasets:
 - Surface Sediment
 - Subsurface Sediment
 - Surface Water Deliverable No. 1
 - Point Sources Dry Weather (Event 1)
 - Point Sources Wet Weather (Events 1 and 2)
 - Sediment Quality Triad
- The second set of Phase 2 EDDs was provided to USEPA on May 29. These EDDs included the following datasets:
 - Bioaccumulation Study and Caged Bivalves tissue chemistry
 - Bioaccumulation Study sediment chemistry
 - Fish and Crab tissue chemistry
 - Surface Water Deliverable No. 2
 - Point Sources Wet Weather Event 3
- Sediment core collection logs, sediment core processing logs, and sediment-water shake test field logs from the subsurface sediment and groundwater sampling programs were submitted to USEPA on May 29. This information is also included on the enclosed CD as part of this MPR.

3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them

- The NCG has requested information from the City of New York that is needed to complete the RI/FS. An updated listing of these requests is provided as an attachment to this MPR.
- On April 8, the City of New York first mentioned its plans for a combined sewer overflow (CSO) weir construction project that will impact the RI-required point sources sampling at these locations. On April 13, USEPA requested from the City of New York details regarding the construction plans, project schedule, etc. On May 5,

the City of New York provided an update on the project. In this update, the City of New York indicated that utility relocation near the BB-026 regulator will begin in May 2015, construction at the four major CSO locations that discharge to Newtown Creek will begin in June 2015, and that these activities will interfere with the point sources sampling planned for these locations. On May 14, the NCG requested details regarding the project from the City of New York, including some of the same information USEPA requested on April 13, and requested a meeting with the City's contractor to discuss sampling at these locations. On May 29, USEPA requested a meeting with the City of New York, its contractor, and Anchor QEA to facilitate sampling at these locations, indicating the sampling is required by the Newtown Creek AOC, and the City of New York, as a Respondent to the AOC, is required to provide access to these locations to support implementation of the AOC. Although point sources sampling at these locations will be given higher priority over other locations, the construction constraints that the City of New York recently brought to USEPA's and the NCG's attention may result in the inability to collect the required number of samples from these locations, quantify discharges from these CSO locations, and complete the RI as planned and scheduled. A meeting with the City of New York and its contractor to discuss obtaining access to these locations either before or during construction so that requisite RI sampling can occur is planned for June 8.

4. Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion

- Project update meetings with USEPA are scheduled for June 25 and July 30. A modeling workshop is also planned for June 25.
- Continue the Phase 2 field investigation in June and July, including the following:
 - Groundwater program activities, including seepage meters and potentiometric data collection, dependent on field and weather conditions
 - Point sources sampling at locations that have not been sampled yet (e.g., NCB-083, BB-009, NCQ-029, NCB-631, NCQ-632B, and RAD I [DAR No. 41]) and the wet-weather influent to the Newtown Creek Wastewater

- Treatment Plant (WWTP) (DAR No. 11a) will be prioritized over locations that have already been sampled.
- Sampling at the Greenpoint Energy Center is on hold pending determination of whether there is a feasible alternate sampling location. Samples could not be collected at the designated sampling location (NG-001) during the March 14 event due to insufficient flow. National Grid proposed that samples could be collected by laying the strainer flat on the bottom of the pipe. USEPA is considering this option.
 - Point sources sample locations at the following New York City Department of Environmental Protection (NYCDEP) sampling locations will be sampled after the following issues are resolved:
 - o NCQ-029 could not be sampled until the NYCDEP-required wet-weather reconnaissance is conducted at this location. Reconnaissance was conducted on June 1.
 - Per USEPA direction, sampling at Meeker Avenue will occur from the adjacent catch basin when discharge does not occur as overland flow.
 - Sampling at Waste Management of NY/Steel Equities (formerly POW) (DAR No. 56)/Town, County and State Recycling, Inc. (aka Review Avenue Recycling, Inc.) (DAR No. 145) is on hold until construction and stormwater improvements are complete.
 - Pending USEPA approval, conduct dissolved and particulate sampling at select point sources sampling locations.

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: jquadrini@anchorqea.com).

Sincerely,



Jim Quadrini, P.E., BCEE
Anchor QEA, LLC

Attachments

- CD containing field data and validated Phase 2 chemistry data
- An updated New York City Data Request listing

cc: Joseph Battipaglia, USEPA Region 2 Co-Remedial Project Manager
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel
Ian Beilby, NYSDEC, Division of Environmental Remediation
W. David Bridgers, Common Counsel for Newtown Creek Group Respondents
Edward Leonard, CDM Smith

New York City Data Request

Item No.	Date Requested	Information Needed	Information Type (Data, Document, Model)	Status as of 6/4/2015	Reason for Request
1	9/10/2012 ¹	Data from monitored/telemetered combined sewer infrastructure that discharges to Newtown Creek, including NCB-015	Data	NYC indicated that they would provide analysis and data from 12 months of data collection (April 1, 2014 to March 31, 2015) on August 15, 2015 and that other data from previous years would be provided at that time as well.	This information is required to evaluate combined sewer discharges to the creek and support the modeling effort.
5	9/10/2012 ¹	a. Available CSO/SSO flow monitoring data, along with data used in the modeling for the Long-term Control Plan (including flow data for BB-026 and any additional locations that discharge to Newtown Creek that are available) b. A status update on NYC CSO flow metering program and a detailed schedule for completion of activities and transfer of data	Data	NYC indicated that they would provide analysis and data from 12 months of data collection (April 1, 2014 to March 31, 2015) on August 15, 2015 and that other data from previous years would be provided at that time as well.	This information is required for model calibration—flow data will be used in conjunction with other variables to evaluate hydro model performance. Flow data will also be used to inform the sampling effort and approach.
10	2/24/2014	Original request Electronic files for data cited in the <i>Newtown Creek and Whale Creek Canal Maintenance Dredging Analytical Report</i> and <i>Sediment Sampling and Analysis Plan</i> (September 2013) including bathymetric survey, sediment, water, and air data Updated request Based on the collection described in <i>Newtown Creek and Whale Creek Canal Maintenance Dredging Analytical Report</i> and <i>Sediment Sampling and Analysis Plan</i> (Greeley and Hansen and others, September 2013), Anchor QEA received individual laboratory data files. We are requesting that the data be provided in a single standard electronic deliverable, such as a USEPA Region 2 style electronic data deliverable or output from NYC’s database that has standard valid values and that includes sample information and location information with actual coordinates. This request includes 23 additional surface grab samples that were collected concurrently with the subsurface cores referenced in the last paragraph of Section 3.1.1 of the report as well as the referenced “separate report” and any additional documentation such as data summary report(s), logs/photographs, etc. associated with these data.	Data	Provided on June 4, 2015, and under review by the NCG.	This information is required to characterize the nature and extent of contamination in the creek and its tributaries.

New York City Data Request

Item No.	Date Requested	Information Needed	Information Type (Data, Document, Model)	Status as of 6/4/2015	Reason for Request
20	12/22/2014	During the USEPA conference call conducted on December 22, 2014, the NYCDEP committed to providing the following information and data to the NCG and USEPA: 1) a technical memorandum that explains the methodology used to calculate the Whale Creek discharges on a 1-hour frequency; 2) estimates of Whale Creek discharges on a 1-hour frequency for 1992 through 2007, 2013, and 2014; 3) temperature, salinity, and TSS concentration data collected at Station E2 for 2014; and 4) 1999 bathymetry data for East Branch and Maspeth Creek to the NCG. Note that NYCDEP provided 1999 bathymetry data for English Kills to the NCG on October 1, 2014, but they have not fulfilled the original request, which included the bathymetry data for East Branch and Maspeth Creek. The NCG needs to receive all of this information and data from NYCDEP by March 1, 2015. Failure by NYCDEP to provide this information and data by this date will cause delays in the Phase 2 modeling work and negatively impact the project schedule.	Data Document	Not Provided. NYC indicated that they would provide the data from 2000 to 2007 by March 27, 2015. However, this request is still outstanding. Other portions of this request have been provided.	This information is required to support the hydrodynamic and sediment transport modeling effort.
21	2/19/2015	Records related to groundwater seepage or withdrawals in the Newtown Creek Watershed associated with New York City infrastructure; categories include the following: – Dewatering of the subway system – Groundwater seepage into CSOs – Other groundwater dewatering	Data Document	Not Provided. NYCDEP indicated they did not have information about subway dewatering but has not responded on other requests.	This information is required to support the groundwater evaluation.

Notes:

1 = In some cases, the request has been updated to be more specific or include more recent information that became available since the previous request.

BB = Bowery Bay

CSO = combined sewer overflow

NCB = Newtown Creek Brooklyn

NCG = Newtown Creek Group

NYC = New York City

NYCDEP or DEP = New York City Department of Environmental Protection

SSO = sanitary sewer overflow

TSS = total suspended solids

USEPA = U.S. Environmental Protection Agency